

107TH CONGRESS
1ST SESSION

H. R. 3044

To amend title 10, United States Code, to provide for the forfeiture of vessels used in the commission of willful violations of Department of Defense safety regulations regarding navigable waters used by the Armed Forces, to increase penalties for violation of other security regulations and orders, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 4, 2001

Mr. TAYLOR of Mississippi (for himself and Mr. BUYER) introduced the following bill; which was referred to the Committee on Armed Services, and in addition to the Committees on the Judiciary, and Transportation and Infrastructure, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To amend title 10, United States Code, to provide for the forfeiture of vessels used in the commission of willful violations of Department of Defense safety regulations regarding navigable waters used by the Armed Forces, to increase penalties for violation of other security regulations and orders, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION. 1. INCREASED PENALTIES FOR WILLFUL VIOLA-**
2 **TION OF DEPARTMENT OF DEFENSE REGULA-**
3 **TIONS FOR THE PROTECTION AND SECURITY**
4 **OF MILITARY INSTALLATIONS AND NAVI-**
5 **GABLE WATERS USED BY THE ARMED**
6 **FORCES.**

7 (a) FORFEITURE OF VESSELS USED TO VIOLATE
8 DEFENSE SAFETY REGULATIONS REGARDING NAVI-
9 GABLE WATERS.—(1) Chapter 159 of title 10, United
10 States Code, is amended by adding at the end the fol-
11 lowing new section:

12 **“§ 2697. Defense safety regulations regarding navi-**
13 **gable waters: forfeiture of vessels used to**
14 **violate regulations**

15 “(a) CIVIL FORFEITURE.—To enhance the enforce-
16 ment of regulations prescribed under section 4 of the Act
17 of August 18, 1894 (33 U.S.C. 1), and chapter XIX of
18 the Act of July 9, 1918 (33 U.S.C. 3), any boat, ship,
19 or other vessel (including any gear, furniture, appur-
20 tenances, stores, or cargo aboard the boat, ship, or vessel)
21 used in connection with the commission of any act prohib-
22 ited by such regulations shall be subject to forfeiture to
23 the United States pursuant to a civil proceeding under this
24 section.

25 “(b) JURISDICTION OF COURTS.—Any district court
26 of the United States shall have jurisdiction, upon applica-

1 tion by the Attorney General on behalf of the United
2 States, to order any forfeiture authorized under subsection
3 (a) and any action provided for under subsection (d).

4 “(c) JUDGMENT.—(1) If a judgment is entered for
5 the United States in a civil forfeiture proceeding under
6 this section, the Attorney General may seize any property
7 or other interest declared forfeited to the United States,
8 which has not previously been seized pursuant to the en-
9 forcement of the regulations described in subsection (a)
10 or for which security has not previously been obtained
11 under subsection (d).

12 “(2) The following provisions of the customs laws
13 shall apply to seizures and forfeitures incurred, or alleged
14 to have been incurred, under this section, unless such pro-
15 visions are inconsistent with this section:

16 “(A) Provisions relating to the seizure, for-
17 feiture, and condemnation of property for violation
18 of the customs law.

19 “(B) Provisions relating to the disposition of
20 such property or the proceeds from the sale thereof.

21 “(C) Provisions relating to the remission or
22 mitigation of any such forfeiture.

23 “(3) The duties and powers imposed upon the Com-
24 missioner of Customs or other persons under the provi-
25 sions referred to in paragraph (2) shall, with respect to

1 this section, be performed by officers or other persons des-
2 ignated for such purpose by the Attorney General.

3 “(4) The proceeds from the sale of property forfeited
4 to the United States under this section shall be deposited
5 in the Department of the Treasury Forfeiture Fund estab-
6 lished under chapter 97 of title 31.

7 “(d) PROCEDURE.—(1) Any officer authorized to
8 serve any process in rem which is issued by a district court
9 of the United States may stay the execution of such proc-
10 ess or discharge any fish seized pursuant to such process
11 upon the receipt of a satisfactory bond or other security
12 from any person claiming such property.

13 “(2) Any bond or other security referred to in para-
14 graph (1) shall be subject to the condition that the person
15 will deliver the property to the appropriate court upon
16 order thereof, without any impairment of its value, or pay
17 the monetary value of the property pursuant to an order
18 of such court. Judgment shall be recoverable on such bond
19 or other security against both the principal and any sure-
20 ties in the event that any condition thereof is breached,
21 as determined by such court.

22 “(3) Nothing in this subsection may be construed to
23 require the Attorney General, except in the Attorney Gen-
24 eral’s discretion or pursuant to the order of the court, to

1 release on bond any seized fish or other property or the
2 proceeds from the sale thereof.

3 “(e) TREATMENT OF SEIZED FISH.—Any fish seized
4 pursuant to this section may be sold, subject to the ap-
5 proval and direction of the appropriate court. To the ex-
6 tent practicable, the sale should obtain the fair market
7 value of the fish. The proceeds of the sale shall be depos-
8 ited with the court pending the disposition of the matter
9 involved.”.

10 (2) The table of sections at the beginning of such
11 chapter is amended by adding at the end the following
12 new item:

“2697. Defense safety regulations regarding navigable waters: forfeiture of ves-
sels used to violate regulations.”.

13 (b) VIOLATIONS OF SECURITY REGULATIONS AND
14 ORDERS.—Section 21(a) of the Act of September 23,
15 1950 (50 U.S.C. 797(a)), is amended—

16 (1) by striking “misdemeanor” and inserting
17 “felony”;

18 (2) by striking “\$5,000” and inserting
19 “\$10,000”; and

20 (3) by striking “one year” and inserting “10
21 years”.

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